

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

MICHAEL K. SMART,

Plaintiff,

**VS.**

RANDY STILES, ET AL.,

**Defendants.**

CV-00-BU-3228-E

# ENTERED

**JAN 16 2002**

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 20, 2001, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 5 day of January, 2002.

H. DEAN BUTTRAM, JR.  
UNITED STATES DISTRICT JUDGE

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